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December 5, 2006

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Re: **Advanced Micro Devices, Inc., et al. v. Intel Corporation, et al., C.A. No. 05-441-JJF, and Phil Paul, et al. v. Intel Corporation, C.A. 05-485-JJF**

Dear Counsel:

By letter dated November 13, 2006, Fujitsu Limited, NEC Corporation, Sony Corporation, and Toshiba Corporation (collectively the "Japanese OEMs"), non-parties in the above-referenced litigation, jointly submitted their position addressing the impact of the Court's September 26, 2006 decision on discovery relating to the foreign conduct of Intel, particularly as it concerns discovery directed to the Japanese OEMs. The referenced correspondence was not solicited by any party in the cases and does not comport with the Special Master's Order of June 28, 2006 concerning Procedures For The Handling Of Discovery Disputes Before Special Master.

By letter dated November 22, 2006, Advanced Micro Devices, Inc. ("AMD") and Class Plaintiffs moved to strike the OEMs submittal on the grounds that the submittal violates the referenced Special Master's Order and, in any event, is in large substance a motion to quash which is not ripe for decision.

While the Special Master is inclined to strike the OEMs letter submittal on either grounds, during a November 16, 2006 teleconference counsel for AMD said:



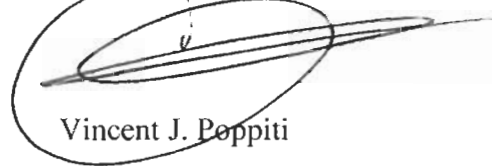
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Page 2

I have no objection if you treat the portion of these letters dealing with the purely legal issue of foreign conduct discovery and take those into account, if you think that there is anything worth taking into account. (Tr. 21).<sup>1</sup>

Accepting the approach suggested by AMD's counsel, the Special Master **HEREBY DENIES** the Motion to Strike. At the same time, the Special Master declines to defer the OEMs arguments on burden and comity made in the November 13, 2006 submittal. In this regard, when the matter is ripe for consideration, the OEMs will be expected to fully comply with the June 28, 2006 Order of the Special Master.

IT IS SO ORDERED.

Yours very truly,



Vincent J. Poppiti

VJP:mes  
Cc: Clerk of Court

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<sup>1</sup> By letter dated December 4, 2006, Intel advised the Special Master that it agrees with this approach.